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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,416	11/26/2003	Amit Bagga	633-038US	2635
47912	7590	10/16/2009	EXAMINER	
Avaya			PATTL, NIRAV B	
DEMONT & BREYER, LLC			ART UNIT	
100 COMMONS WAY, STE 250			PAPER NUMBER	
HOLMDEL, NJ 07733			2435	
			NOTIFICATION DATE	DELIVERY MODE
			10/16/2009	ELECTRONIC

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/723,416
Filing Date: November 26, 2003
Appellant(s): BAGGA ET AL.

Kiril Dimov (Reg. No. 60490)

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 06, 2009 appealing from the Office action mailed Nov. 28, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Non Final

The appellant's statement of the status of amendments after Non Final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Nelson et al (US Patent No. 7,062,655 – Jan 23, 2002)

Ogura et al (US Pub. No. 2004/0078603 – Oct 18, 2002)

Fallman (US Pub. No. 2004/0107406 – Apr 17, 2003)

Eitel (US Patent No. 7,043,521 – Mar 21, 2002)

Mikheev (US Pub. No. 2002/0055919 – Mar 30, 2001)

Lee (US Pub. No. 2004/0044657 – Sep 6, 2001)

Honarvar et al (US Patent No. 7,231,657 – Aug. 21, 2002)

P-Synch Installation and Configuration Guide (May 2002).

Kanevsky et al (US Patent No. 5,774,525 – Aug. 14, 1997)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1, 2, 4-14, 16-25 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-27 of copending Application No. 10/815191 in view of copending Application No. 10/674288.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the present application is obvious in view of the copending application ('191). The copending application ('191) discloses a method/an apparatus/an article of manufacture for evaluating a password proposed by a user during an enrollment process, comprising: receiving said proposed password from said user; performing an Internet search using a query containing one or more keywords derived from said proposed password, wherein said Internet search searches contents of the Internet across a plurality of web sites using a search engine tool; evaluating

results of said search relative to one or more predefined threshold; and rejecting said proposed password when said user is correlated with proposed password if one or more of said predefined threshold are exceeded by said results. Further, the copending application ('288) discloses a method/an apparatus for generating a password for a user, comprising: presenting said user with a plurality of hints; receiving a user selection of one of said hints. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize password generation mechanism as taught by copending application ('288), so as to generate password that are easy for the user to remember, yet not easily guessed by an attacker [copending application ('288) page 2 lines 1-3].

2. Claims 1, 8, 13, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Fallman (US Pub. No. 2004/0107406) and in view of Eitel (US Patent No. 7,043,521).

As per claim 1, Nelson teaches:

receiving an input from a user as a proposed password; performing an Internet/database search using keywords derived from proposed password (entered by the user); evaluating results of said search; rejecting said proposed password if the verification fails; recording said proposed password as a new password if said proposed password is not rejected [Fig. 3, col. 4 lines 53-61, col. 6 lines 16-20, Fig. 1].

Nelson teaches the proposed password verification mechanism as shown in Fig. 1. Nelson doesn't expressively mention selection of at least one topic as an input from user.

Ogura teaches:

presenting said user with a plurality of topics; receiving a user selection of at least one topic [Fig. 5, step 520-525]; receiving one or more personal details from said user associated with said at least one selected topic, as a proposed password (input from user) [Fig. 5, steps 550-555, Fig. 9 step 930].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Ogura with Nelson to present various topics and receiving an input from the user based on selection of the topics, since one would have been motivated to allows the authentication of the identity of the user through the use of a primary and/or secondary authentication system [Ogura, paragraph 0006].

Further, Nelson teaches searching database using keywords based on the proposed password and verifying the proposed password as shown in Fig. 3. Ogura teaches calculating the score/rate and comparing the score/rate with the threshold [Fig. 9].

Fallman teaches: performing an Internet search using a query containing one or more keyword derived from the input entered by the user (said details of said proposed password as disclosed by Ogura and Nelson), wherein said Internet search searches contents of the Internet across a plurality of web sites using a search engine tool [Fig. 1, paragraph 0073, 0074, well-known search engine/technique, please refer US

2002/0055919 – Google, Alta-Vista - Fig. 1, US 2004/0044657 – Yahoo – paragraph 0007].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Fallman with Nelson and Ogura to utilize an Internet search for the keywords entered by the user, since one would have been motivated to check the string/keyword against the Internet database to cover all occurring words that allow evaluation of the keyword/string [Fallman, paragraph 0007-0015].

Fallman teaches performing the Internet search for the keywords entered by the user and evaluating the result of the search [paragraph 0014, 0015]. Fallman doesn't expressively mention based on the predefined threshold.

Eitel teaches: evaluating results of said search relative to one or more predefined thresholds applicable to said at least one selected topic (input); rejecting said result if one or more said predefined thresholds are exceeded by said results [Fig. 3, col. 6 lines 46-60].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Eitel with Nelson, Ogura and Fallman to evaluate the search result based on the threshold, since one would have been motivated to elicit better/closer result from evaluation [Eitel, col. 5 lines 60-67].

As per claim 8, the rejection of claim 1 is incorporated and Ogura teaches said one or more personal details are related to a personal fact from a past of said user [Fig. 5, 9].

As per claims 13 and 25, they encompass limitations that are similar to limitations of claim 1. Thus, they are rejected with the same rationale applied against claim 1 above.

As per claim 20, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 8. Thus, it is rejected with the same rationale applied against claim 8 above.

3. Claims 2, 7, 11, 14, 19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Fallman (US Pub. No. 2004/0107406) in view of Eitel (US Patent No. 7,043,521) and in view of Honarvar et al (US Patent No. 7,231,657).

As per claim 2, the rejection of claim 1 is incorporated and Ogura teaches presenting said user with a plurality of topics; receiving a user selection of at least one topic [Fig. 5, step 520-525]; receiving one or more personal details from said user associated with said at least one selected topic, as a proposed password [Fig. 5, steps 550-555, Fig. 9 step 930].

Honarvar teaches receiving a reminder associated with each of said one or more personal details [Fig. 25].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Honarvar with Nelson, Ogura and Beeferman and

Eitel, since one would have been motivated to provide access and service to user by detecting fraud and verifying the identity using dynamically customizable system [Honarvar, col. 1 lines 21-27].

As per claim 7, the rejection of claim 1 is incorporated and Honarvar teaches:

sending said one or more personal details to said user [Fig. 25, 30].

P-Synch teaches one or more personal details to said user as reinforcement of said password [page 1, page 126].

As per claim 11, the rejection of claim 1 is incorporated and Honarvar teaches:

said one or more personal details can be tested during a verification phase using one or more of Boolean, multiple choice, numeric or textual queries [Fig. 26, 30, 31].

As per claim 14, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 2. Thus, it is rejected with the same rationale applied against claim 2 above.

As per claim 19, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 7. Thus, it is rejected with the same rationale applied against claim 7 above.

As per claim 23, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 11. Thus, it is rejected with the same rationale applied against claim 11 above.

4. Claims 4-6 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Fallman (US Pub. No. 2004/0107406) in view of Eitel (US Patent No. 7,043,521) and in view P-Synch Installation and Configuration Guide (May 2002).

As per claim 4, the rejection of claim 1 is incorporated and P-Synch teaches:
correlation rules are based on said at least one topic [page 124-126].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine P-Synch with Nelson, Ogura and Fallman and Eitel, since one would have been motivated to generate strong password [P-Synch, page 2 lines 17-21].

As per claim 5, the rejection of claim 1 is incorporated and P-Synch teaches:
one or more predefined correlation rules ensure that answers to user selected questions cannot be qualitatively correlated with said user [page 124 line 1, page 126].

As per claim 6, the rejection of claim 1 is incorporated and P-Synch teaches:

one or more predefined correlation rules ensure that answers to user selected questions cannot be quantitatively correlated with said user [page 124 line 1, page 126].

As per claim 16, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 4. Thus, it is rejected with the same rationale applied against claim 4 above.

As per claim 17, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 5. Thus, it is rejected with the same rationale applied against claim 5 above.

As per claim 18, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 6. Thus, it is rejected with the same rationale applied against claim 6 above.

5. Claims 9, 10, 12, 21, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al (US Patent No. 7,062,655) in view of Ogura et al (US Pub. No. 2004/0078603) in view of Fallman (US Pub. No. 2004/0107406) and in view of Eitel (US Patent No. 7,043,521) and in view Kanevsky et al (US Patent No. 5,774,525).

As per claim 9, the rejection of claim 1 is incorporated and Ogura teaches receiving the personal detail from the user [Fig. 9].

Kanevsky teaches said one or more personal details are related to an experience of said user in connection with a public event [col. 3 lines 31-45].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Kanevsky with Nelson, Ogura and Fallman and Eitel, since one would have been motivated to provide dynamic questioning to provide secure access control [Kanevsky, col. 2 lines 7-8].

As per claim 10, the rejection of claim 1 is incorporated and Kanevsky teaches said one or more personal details are related to an experience of said user in connection with a private event [col. 3 lines 31-45].

As per claim 12, the rejection of claim 1 is incorporated and Kanevsky teaches said at least one topic is selected based on psychological insights [col. 5 lines 60-65].

As per claim 21, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 9. Thus, it is rejected with the same rationale applied against claim 9 above.

As per claim 22, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 10. Thus, it is rejected with the same rationale applied against claim 10 above.

As per claim 24, the rejection of claim 13 is incorporated and it encompasses limitations that are similar to limitations of claim 12. Thus, it is rejected with the same rationale applied against claim 12 above.

(10) Response to Argument

Appellant's arguments filed July 06, 2009 have been fully considered but they are not persuasive.

Ground 1: Double Patenting Rejection of Claims 1, 2, 4-14, 16-25

A terminal disclaimer has been filed on Feb 24, 2009. However, the terminal disclaimer is disapproved by the office. See response by the office on March 10, 2009.

Ground 2: 35 U.S.C. 103 Rejections of Claims 1, 8, 13, 20 and 25

Regarding to appellant's argument to claim 1, Examiner maintains since Nelson's invention relates to password verification and password security system, which addresses the issue of determining trivial keyboard sequences used for proposed password. The password evaluation system that evaluates the proposed

password or substrings of the password against a dictionary or database to reduce or eliminate the problem of weak password. As shown in Fig. 1 the password verification mechanism is implemented on a distributed computer network, wherein the database 108-112 is consolidated across the distributed computer network (e.g. over Internet or LAN or WAN). As shown in Fig. 3, a user accesses the password verification user interface and **enters a proposed password data/information** (i.e. receiving the information/data from the user as a proposed password). The password verification mechanism **accesses master password database** [Fig. 1, component 112] **over the computer network** and **checks the proposed password data/information,** as provided by the user, against existing password & password quality rules (such as minimum length, semantic content, reuse in database...etc.). If the proposed password data/information **passes the acceptability test,** the mechanism transmits an acceptance of the proposed password to the user and **updates the password database to reflect the new password.** Therefore, Nelson teaches the proposed password verification mechanism, which utilizes the password database over the computer network to verify the proposed password data/information as provided by the user and records/updates the proposed password as a new password if it passes the acceptability test.

Further, Ogura teaches the password security system wherein the remote device selects the particular question set, which contains **M questions (e.g. topics) and displays to the user as shown in Fig. 5 step 525.** The user selects N questions from the M questions and **provides the answer to the specific N questions** (i.e. receiving

data/information (e.g. personal details) from the user associated with the selected topic) as shown in Fig. 5 step 550, which is utilized to determine the user's identity. Therefore, Ogura teaches "presenting the user with the plurality of topics; receiving a user selection of at least one topic; receiving one or more personal details from the user associated with said at least one selected topic". In this case, the combination of Nelson and Ogura teaches the claim subject matter "receiving one or more personal details (data/information/answer) from said user associated with said at least one selected topic (question) as a proposed password".

Nelson teaches searching the password database over the computer network to check the proposed password data/information as provided by the user. Further, Fallman's invention relates to check the text strings, wherein the text string is checked against a database. The **search engine A is adapted to search for the text string on the Internet** with associated home pages and text masses in accordance with known techniques (e.g. Google or Yahoo search engine – US 2002/0055919, US 2004/0044657). The evaluating unit 5 is adapted to **evaluate the text string based on the search result**. Therefore, Fallman teaches "performing an Internet search using a query containing one or more keywords provided by the client (e.g. text string), wherein the Internet search searches the contents of the Internet across a plurality of websites using search engine tool; evaluating results of the search". In this case, the combination of Nelson, Ogura and Fallman teaches the claim subject matter "performing an Internet search using a query containing one or more keywords derived from said personal details of said proposed password, wherein said Internet search

searches contents of the Internet across a plurality of web sites using a search engine tool".

Nelson teaches verifying/checking the proposed password using the password database and accepting the proposed password as a new password if it passes the acceptability test. Fallman teaches evaluating the text string (data/information provided by the user) based on the search result. Further, Eitel's invention relates to **obtain information over the Internet using the search agent**. The search agent determines the number of records in the search report based on the **threshold and compares the search report with the search criteria**. If the **search report meets the search criteria then it is accepted as a complied record**. Therefore, Eitel teaches evaluating the search result based on the threshold and search criteria. In this case, the combination of Nelson, Ogura, Fallman and Eitel teaches the claim subject matter "evaluating results of said search relative to one or more predefined threshold applicable to said at least one selected topic; rejecting said proposed password when said user is correlated with said proposed password if one or more said predefined thresholds are exceeded by said results".

It has been held that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does not more than yield predictable results." KSR., 127 S. Ct. at 1739, 82USPQ2d at 1395 (2007) (citing Graham, 383 U.S. at 12).

Therefore, the combination of Nelson, Ogura, Fallman and Eitel teaches the claims 1, 13 and 25 as above.

Ground 3: 35 U.S.C. 103 Rejections of Claims 2, 7, 11, 14, 19 and 23

Examiner maintains the above rejection for the combination of Nelson, Ogura, Fallman and Eitel teaches the independent claims 1, 13, 25 as discussed above.

Ground 4: 35 U.S.C. 103 Rejections of Claims 4-6 and 16-18

Examiner maintains the above rejection for the combination of Nelson, Ogura, Fallman and Eitel teaches the independent claims 1, 13, 25 as discussed above.

Ground 5: 35 U.S.C. 103 Rejections of Claims 9, 10, 12, 21, 22 and 24

Examiner maintains the above rejection for the combination of Nelson, Ogura, Fallman and Eitel teaches the independent claims 1, 13, 25 as discussed above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Nirav Patel /

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Examiner, Art Unit 2435

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